1 LEGAL ZONATION

There are six maritime zones in the North Sea within the jurisdiction of the coastal states: internal waters, territorial seas, contiguous zones, continental shelves, exclusive economic zones, and fishery zones (Map I.1.1a). The high seas are the zone beyond the zones of coastal jurisdiction, governed by the freedom principles. This means that the high seas of the North Sea are open to all states for, *inter alia*, navigation, over-flight, laying of cables and pipelines, exploitation of natural resources, and scientific research. Every maritime zone is measured from the baseline. The baseline can be a normal baseline (the low-water line along the coast as marked on large-scale charts officially recognised by coastal states) or in exceptional cases a straight baseline (where the coastline is deeply indented or a fringe of islands lies in the immediate vicinity of the coast). In every zone the jurisdiction of the coastal states depends on the legal status of the zones in the law of the sea conventions. The latest law of the sea convention is the Montego Bay Convention or the United Nations Convention on the Law of the Sea, signed in 1982, in force since 16 November 1994 for 148 states (status January 2005).

**Internal waters**

Internal waters are those waters on the landward side of the baseline, under the full sovereignty of the coastal states. They include bays, estuaries, coastal harbours, and waters enclosed by straight baselines.

**Territorial sea**

The territorial sea is that part of the sea which is adjacent to the land territory and internal waters of the coastal states, up to a limit not exceeding 12 nautical miles from the baseline.

**Contiguous zone**

The contiguous zone is a zone adjacent to the territorial sea, extending no further than 24 nautical miles from the baselines.

**Continental shelf**

Beyond the territorial seas in the North Sea, each coastal state is entitled to a continental shelf, which is the natural extension of the land territory. This right does not depend on occupation or any express proclamation. The continental shelf comprises the seabed and the subsoil of the submarine areas up to the outer edge of the continental margin or to a distance of 200 nautical miles from the baseline, where the outer edge of the continental margin does not extend that far. Division of the continental shelf in the North Sea between the coastal states is a result of delimitation agreements concluded in the mid-sixties and early seventies. Later agreements complement or alter former delimitation agreements as a result of the decision of the International Court of Justice in the North Sea Continental Shelf Case of 20 February 1969 (Germany vs. Denmark and the Netherlands). In the nineties, Belgium concluded delimitation agreements with France, the UK, and the Netherlands.

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1 This chapter is primarily based on Maes et al., 2000. Limited Atlas of the Belgian Part of the North Sea, OSTC 31 p. Only certain parts of the fishery zones were updated by Fanny Douvere (pers. comm.)
Exclusive economic zone

Under the 1982 Law of the Sea Convention, coastal states are entitled to an exclusive economic zone extending no further than 200 nautical miles from the baselines. In contrast to the continental shelf, an exclusive economic zone must be explicitly proclaimed or installed by the coastal state and includes, besides the seabed and its subsoil, the waters super-adjacent to the seabed. It is expected that the boundaries of the exclusive economic zones in the North Sea will coincide with the boundaries of the continental shelves. If all North Sea states proclaim an exclusive economic zone, there will be no high seas in the North Sea. Belgium, France, United Kingdom, Norway, Sweden, Denmark, the Netherlands and Germany have proclaimed an exclusive economic zone in the North Sea.

Fishery zones

In the late seventies the fishery zones of the North Sea were extended to 200 nautical miles, as requested by the Council of the European Community. The boundaries of the North Sea fishery zones are set by existing agreements as to the limits of the continental shelves.

1.1 BASELINE

The Belgian maritime zones are measured from a normal baseline, which is the low-water line along the coast as indicated on official large-scale charts. The outermost permanent harbour extension of the port of Zeebrugge forms an integral part of the harbour and constitutes part of the coast. Here the baseline is a straight baseline between the two outermost points of the eastern and western outer harbour. The Belgian part of the North Sea is 3600 km², legally divided in various zones.

1.2 TERRITORIAL SEA

The Belgian territorial sea extends 12 nautical miles from the baseline. The boundary of the Belgian territorial sea with France consists of a rhumb-line connecting the points expressed in the co-ordinates 02°32'37"E-51°05'37"N and 02°23'25"E-51°16'09"N (1990 Agreement). The boundary of the Belgian territorial sea with the Netherlands consists of an orthodromic line connecting the points expressed in the co-ordinates 03°21'52,5"E-51°22'25"N, 03°21'14"E-51°22'46"N, 03°17'47"E-51°27'00"N, 03°12'44"E-51°29'05"N and 03°04'53"E-51°33'06"N (1996 Agreement). Belgian legislation does not diverge from the principles of the international law of the sea. In the territorial sea Belgium has sovereignty extending to the air space over the territorial sea, its bed and subsoil. This sovereignty means that Belgium is allowed to adopt laws or regulations and punish infringements in respect of all or any of the following general topics: navigation, laying and protection of cables and pipelines, fisheries, prevention of pollution, conservation of living resources, exploitation of non-living resources, scientific research, customs, fiscal matters, immigration, and sanitary regulations.

This sovereignty is limited by the customary right of innocent passage through the territorial sea for ships of all states. Passage has to be continuous and expeditious, except in cases of force majeure or distress. Passage is innocent so long as it is not prejudicial to the peace, good order, or security of the coastal state. The meaning of innocent passage is further elaborated in article 19 of the 1982 Law of the Sea Convention. Belgian legislation does not hamper innocent passage or levy charges upon it. It is allowed, however, to charge for specific services rendered, such as rescue or pilotage services, but not in a manner that discriminates among ships of different foreign flags. Furthermore, Belgian laws do not affect the design, construction, manning, or equipment of foreign vessels unless they conform to generally accepted international standards, being those accepted within the International Maritime Organization, or legislation adopted by the European Community. All ships, whether in innocent passage or not, must comply with the law of the coastal state while in its territorial sea.
1.3 CONTIGUOUS ZONE

In the contiguous zone a coastal state may exercise the control necessary to prevent and punish infringements of its customs, fiscal, immigration, or sanitary laws and regulations within its territory or territorial sea. The Belgian Law on the Exclusive Economic Zone (EEZ) introduces a contiguous zone of 12 nautical miles beyond the territorial sea.

1.4 CONTINENTAL SHELF

The surface of the Belgian continental shelf is about 2017 km². The boundary of the Belgian continental shelf with France consists of a rhumb-line connecting the points expressed in the co-ordinates 02°23′25″E-51°16′09″N and 02°14′18″E-51°33′28″N (1990 Agreement). The boundary of the Belgian continental shelf with the UK consists of a rhumb line connecting the points expressed in the co-ordinates 02°14′18″E-51°33′28″N, 02°15′12″E-51°36′47″N and 02°28′54″E-51°48′18″N (1991 Agreement). The boundary of the Belgian territorial sea with the Netherlands consists of an orthodromic line connecting the points expressed in the co-ordinates 02°32′21,599″E-51°52′012″N and 03°04′53″E-51°33′06″N (1996 Agreement).

According to the Law of 13 June 1969 concerning the Continental Shelf, Belgium exercises sovereign rights over its continental shelf for the purpose of exploring and exploiting the mineral and other non-living resources of the sea-bed and subsoil; this also includes living organisms belonging to sedentary species. This means that no one may undertake these activities without express Belgian consent, which is given by means of a permit or concession. The Belgian Law of 20 January 1999 concerning the Protection of the Marine Environment requires an environmental impact assessment for the exploitation of non-living resources on the continental shelf.

1.5 EXCLUSIVE ECONOMIC ZONE

The Belgian EEZ law adheres to the principles laid down in the 1982 Law of the Sea Convention. In its exclusive economic zone a coastal state has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters super-adjacent to the sea-bed and of the sea-bed and its subsoil. A coastal state also has jurisdiction with regard to the establishment and use of artificial islands, installations, and structures, to scientific research, to the protection and preservation of the marine environment, with due regard to the rights and duties of other states. The latter rights and duties refer to the freedoms of navigation, over-flight, and the laying of submarine cables and pipelines. Belgian EEZ legislation amends the Continental Shelf Law and the Belgian Fishery Laws, inter alia by: bringing the exploration and exploitation of sedentary species under the Belgian fishery laws; introducing new legislation proclaiming exclusive Belgian jurisdiction over artificial islands, installations, and structures; introducing consent and procedures to be followed when other states intend to conduct scientific marine research in the Belgian exclusive economic zone; introducing Belgian consent for the laying of cables and pipelines entering its territory or territorial sea or used in connection with exploitation of the continental shelf, operations of artificial islands, installations, and structures within Belgian jurisdiction. In other cases delineation of the course for the laying of cables and pipelines will be subject to Belgian approval. Preservation and protection of the marine environment in Belgium's exclusive economic zone is be regulated by the Law on the Protection of the Marine Environment.

1.6 FISHERY ZONES

In 1978 Belgium installed a fishery zone, whose boundaries are adjusted by the law on the Belgian EEZ to coincide with the boundaries of the Belgian continental shelf. Fishing within the 12 nautical mile zone
is exclusively reserved for Belgian fishermen and, under certain conditions, also for French and Dutch fishermen. Outside the 12 nautical mile zone, the general principle of free access applies. In the area between 3 and 12 nautical miles, Dutch fishermen are allowed to catch all species of fish and French fishermen are allowed to catch herring (EC Regulation 2371/2002). The Treaty of the BENELUX Economical Union (1958) allows Dutch fishermen to fish within 3 nautical miles. A Belgian-French Agreement (1975) allows French fishermen to catch herring and sprat in the Belgian territorial sea, between 3 and 6 nautical miles for vessels whose gross tonnage does not exceed 60 tons or whose engines do not exceed 400 horse power, and within the 3 nautical miles zone for vessels whose gross tonnage does not exceed 35 tons or whose engines do not exceed 250 horse power. All vessels whose gross tonnage exceeds 70 tons are not allowed to fish within 3 nautical miles from the baseline. Fishing is totally prohibited on the Paardenmarkt, as indicated on the official charts, because war munitions have been dumped there. Fisheries are entirely within the competence of the European Union, which determines on a yearly basis the total allowable catch (TAC) for certain important North Sea species and sets technical standards for fishing nets (mesh size) and the minimum size or weight of fish landed. Each TAC is divided up among the Member states in the form of quotas. Since 1995 the European Union introduced a new management instrument called "the fishing effort regime", which establishes a link between captures (fish) and fishing capacity (boats). Management of fishing effort is undertaken by the fishery sector, and is generally guided by the parameters of the fishing gear used and species fished.